



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 2, 2004

Mr. Scott Lobdell
Key Engineers, Inc.
1 E. Main Street
Middletown, DE 19709

RE: PLUS review – Meadows of Smyrna

Dear Mr. Lobdell:

Thank you for meeting with State agency representatives on February 19, 2004 to discuss the Meadows of Smyrna project to be located on 213 acres along Rabbit Chase Lane and Sunnyside Road, in Smyrna. As reviewed, this project will consist of an 854 lot subdivision with both single family homes and duplexes.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the State agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that the Town of Smyrna is the governing authority over this land; therefore, you will need to comply with any and all regulations/restrictions set forth by the Town.

State agency comments received regarding this project are as follows:

Office of State Planning Coordination

The proposed development is located in a “Secondary Developing” area according to the Strategies for State Policies and Spending. The proposed development is also located in an annexation area for medium density residential use in Smyrna’s certified comprehensive plan. In these areas state policies will support the local Certified Plans, and promote efficient orderly development. The State supports high quality, well designed higher density residential development and redevelopment in these areas, which

are near services, utilities, and existing infrastructure, and in this case located inside municipal boundaries.

We recommend that the applicant and the Town consider the following general design comments which may improve the overall character of the project, making it a more livable neighborhood:

- 1 A centrally located, easily accessible active recreation area is recommended. Active recreation areas of a relatively small acreage can have great benefits to the community when strategically placed to be the focus of the neighborhood. It is noted that there are few opportunities for active recreation west of Rabbit Chase lane in the single family area.
- 2 It is suggested that the applicant provide interconnections between communities, and provide both vehicular and pedestrian and bicycle connections where appropriate. Specifically, it is recommended that the applicants consider a pedestrian connection between the duplex community and the proposed school site.
- 3 The architectural design of the units themselves can create a quality image for the community. It is recommended that the applicant consider using varied pitch roof lines, alternating siding materials, staggered setbacks for relief, and other measures to make the buildings themselves visually interesting. This may be especially important in the duplex community.
- 4 It is recommended that the Town consider a unified approach to utility placement on the units, and also consider measures to screen the utilities from view.

These design measures may seem like small details, but when considered together they could lead to a much more attractive community that may benefit the developer in terms of sales and marketing, and the future residents in terms of a more attractive and viable neighborhood which they will be proud to call home.

Department of Natural Resources and Environmental Control

Water Supply

If dewatering is necessary during the construction phase, well construction permits must be obtained. Please allow four to six weeks for processing well permit applications. You can contact the Water Supply Branch at (302) 739-4793 for more information.

Wastewater

Connection to the public sewer from the City of Smyrna is proposed.

Soils

According to the Kent County soil survey, Sassafras and Woodstown were mapped in the vicinity of subject parcel. Sassafras is a well-drained upland soil that has few limitations

for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

No wetland associated (hydric) soils were apparent from the available soil maps.

Groundwater Recharge

According to the Groundwater Recharge Potential map for Kent County the project appears to be within a fair to good recharge area. It is important to attempt to reduce or mitigate the amount of impervious surface and to minimize near surface pollutant sources and increased surface water runoff.

TMDLs

The project is located within the Delaware Bay watershed. This watershed will be subject to a Total Maximum Daily Load Regulations in 2007. To assist in the improvement of water quality, the developer is encouraged to employ best available technologies (BATs) and/or best management practices (BMPs) as a means to reduce impacts associated with development.

Stormwater Management

A detailed sediment and stormwater plan must be approved prior to any land disturbing activity taking place on the site. The sediment and stormwater plan for this project will be reviewed, approved, and inspected during construction by Kent Conservation District (KCD). Contact Jared Adkins, Sediment and Stormwater Program Manager at Kent Conservation District at (302) 697-2600, with questions regarding the plan review. A Certified Construction Reviewer (CCR) will be required for the site during construction. Contact Kent Conservation District for details regarding the CCR requirement.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Department of Transportation (DelDOT)

DelDOT stated that they recognize and commend the proposed street connection to Sunnyside Village as good site design. DelDOT generally supports street connections between adjacent developments. Similarly, they recognize the bicycle and pedestrian connections between the proposed developments on the west side of Rabbit Chase Lane as being desirable. It is recommended that street connections be considered instead of bicycle and pedestrian connections, but understand the developer's reasons for not providing them. It is also recommended that stub streets be provided both east and west of Rabbit Chase Lane for connections to the Lamberta and Burris properties.

Improvements to Rabbit Chase Lane will probably be required as part of the entrance construction. Likely improvements would include widening the lanes, adding shoulders,

and overlaying the pavement. The developer's engineer should coordinate with the DelDOT Subdivision Manager, Mr. George Shaw, to determine what we will require in that regard. Mr. Shaw may be reached at (302) 760-2261.

The number and locations of the proposed entrances on Rabbit Chase Lane, will be subject to review by Mr. Shaw. Preliminarily, it is recommended that the north entrances be placed opposite each other and DelDOT noted that they will probably permit a maximum of two access points on each side of the road.

A traffic impact study (TIS) will be required and that study could identify a need for off-site improvements beyond Rabbit Chase Lane. As discussed at the TIS scoping meeting on February 4, there are several pending developments in the area between Lake Como and Garrison Lake. The TIS will have to include these developments but responsibility for the improvements identified in the TIS will be apportioned between the pending developments. Because there will be significant overlap between the TIS for this project and those for other pending projects, the developers of these projects have been urged to cooperate in the completion of a combined study. DelDOT noted that they recognize that there may be a tendency for each of the developers to wait for the others to do their studies first and they are committed to working with the Town to develop a fair approach that assigns the cost of the required improvements equitably.

State Historic Preservation Office (SHPO)

The State is aware that the structure on the subject site is being demolished. In addition, there are two potential properties adjacent to the project site, to the northwest and southeast. It is suggested that you provide landscape buffers around the edges of the development to buffer any visual effects the project could have on these properties. There are also two properties listed in the National Register of Historic Places near the project site. These properties are listed because of their rural context. The construction of this development would change the rural context of this area and the National Register listed properties (something the Town of Smyrna should be aware of as they consider future development in this area).

There is a low to high probability of prehistoric and historic archaeological sites within the subject area. If there are any federal licenses, permits or funds involved, the federal agency must comply with Section 106 of the National Historic Preservation Act.

Delaware State Fire Marshals Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

Accessibility:

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Rabbit Chase Lane must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded

from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures

Public Service Commission

This subdivision is within a pending Town of Smyrna CPCN area. As such, it requires no further PSC action.

Department of Agriculture

Development of this site requires close adherence to the state requirements of a 50 foot set-back from ag preservation districts and the required deed notice in every deed recorded within in this subdivision. This subdivision will need a 50' screening along all sides of the development. DDA encourage a diverse plan with native trees and shrubs, no Leyland Cypress and recommends the development of a diverse landscape plan for community.

Delaware State Housing Authority

DSHA supports this proposal because the various housing types will provide more affordable homeownership opportunities for moderate-income households.

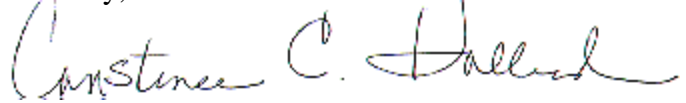
One section of the site, Country Meadow, is set aside for persons age 55 and over. At the meeting, I commented that there may be fair housing issues to consider when setting aside housing for persons age 55 and over. To clarify, recent changes to the Fair Housing Act has eliminated the requirement that 55 and older housing have “significant facilities and services” designed for the elderly. Instead, in order for housing this group of individuals to be exempt from alleged discrimination charges based on familial status, one of the following must be met:

- HUD has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State, or local government program; or,
- It is occupied solely by persons who are 62 or older; or,
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, *and adheres to a policy that demonstrates intent to house persons who are 55 or older.*

Therefore, housing that satisfies the legal definition of housing for older persons described above, can legally exclude families with children.

Again, thank you for meeting with State agencies regarding this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Town of Smyrna